PUBLIC UTILITIES COMMISSION 505 VAN NESS AVENUE SAN FRANCISCO, CA 94102-3298



June 6, 2016

Proposed Resolution W-5103 – Option B

Agenda ID: 14961

To: All Interested Persons

Enclosed is Proposed Resolution W-5103 (Option B) of the Division of Water and Audits, which orders Water Utility continued compliance with mandatory rationing ordered in Commission Resolution W-5041. Proposed Resolution W-5103 (Option B) is scheduled to appear on the June 23, 2016 Commission Meeting Agenda (ID #14961).

The Commission may act on this resolution or it may postpone action until later. When the Commission acts on a proposed resolution, the Commission may adopt all or part of the proposed resolution, as written, or amend or modify the proposed resolution; or the Commission may set the proposed resolution aside and prepare a different resolution. Only when the Commission acts does the resolution become binding.

Interested persons may submit comments on Proposed Resolution W-5103 (Option B) via email to Water.Division@cpuc.ca.gov on or before June 13, 2016. Please reference "Proposed Resolution W-5103" in the subject line.

Interested persons must also serve a copy of their comments on the utility on the same date that the comments are submitted to the Division of Water and Audits. If email is unavailable, please submit comments to:

California Public Utilities Commission Division of Water and Audits 505 Van Ness Avenue San Francisco, CA 94102

Comments should focus on factual, legal, technical errors, or policy issues in the proposed resolution.

Persons interested in receiving comments submitted may contact the Division of Water and Audits at <u>Water.Division@cpuc.ca.gov</u> or (415) 703-1133. Please reference "Proposed Resolution W-5103."

/s/ RAMI S. KAHLON

Rami S. Kahlon, Director Division of Water and Audits

Enclosures: Proposed Resolution W-5103 – Option B

Certificate of Service

Service List

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#### PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DIVISION OF WATER AND AUDITS Water and Sewer Advisory Branch

RESOLUTION W-5103 June 23, 2016

#### RESOLUTION

(RES. W-5103 –OPTION B) RESOLUTION ORDERING WATER UTILITY CONTINUED COMPLIANCE WITH MANDATORY RATIONING ORDERED IN COMMISSION RESOLUTION W-5041 ISSUED MAY 7, 2015 AS MODIFIED BY COMMISSION RESOLUTION W-5082 ISSUED FEBRUARY 11, 2016.

## **SUMMARY**

All Class A and B utilities subject to Commission jurisdiction shall continue compliance with the mandatory rationing authority provided in Commission Resolution (Res.) W-5041 issued May 7, 2015 as modified by Res. W-5082 issued February 11, 2016. The mandatory rationing requirements ordered in this Resolution shall continue until modified by the Commission in a future resolution or decision.

All water utilities are directed to enforce and comply with the water use restrictions identified in Section 864(a) of the Drought Emergency Water Conservation Regulation. All Class C and D water utilities shall also comply with the reporting requirements included in Section 864 (g)2.

## **BACKGROUND**

On November 13, 2015 Governor Edmund Brown Jr. issued Executive Order (EO) B-36-15 calling for an extension of urban water use restrictions until October 31, 2016, should

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drought conditions persist through January 2016. This EO also directed the State Water Resources Control Board (Water Board) to consider modifying the restrictions to incorporate insights gained from the existing restrictions. On February 2, 2016, the Water Board adopted Board Resolution No. 2016-0007 and a revised, extended Emergency Regulation to address specific provisions of EO B-36-15. The Drought Emergency Water Conservation Regulation established adjustments to reduce the conservation standards of urban water suppliers in consideration of the differences in climate affecting different parts of the state, growth experienced by urban areas, and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply. On May 9, 2016, Governor Edmund Brown Jr. issued EO B-37-16 recognizing the continued drought conditions that exist and the need for increasing long-term water conservation among Californians.

The Water Board issued Resolution No. 2016-0029 on May 18, 2016 in response to EO B-37-16. Resolution No. 2016-0029 extends portions of the February 2016 emergency regulation (adopted by the Commission in Res. W-5082) and establishes a process for developing locally appropriate water conservation standards in recognition of differing water supply conditions across the state. The revised Drought Emergency Water Conservation Regulation, among other things, replaces the prior percentage reduction-based water conservation standard with a locally-developed conservation standard based on each water supplier's specific circumstances. The Water Board's Resolution and adopted text of the Drought Emergency Water Conservation Regulation and accompanying Fact Sheets are available at:

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http://www.waterboards.ca.gov/waterrights/water\_issues/programs/drought/emergency\_mandatory\_regulations.shtml

#### DISCUSSION

The May 24, 2016 drought monitor for California shows that 86.39% of the state is under moderate to exceptional drought conditions. This is a marginal improvement from one year ago when 98.71% of the state was under moderate to exceptional drought conditions. An estimated state population of over 34 million residents live in identified drought areas.

Further, recent long-range meteorological forecasts show a 70% chance of a La Nina weather pattern (cooling tropical Pacific Ocean surface water temperatures) developing in the fall and winter of 2016-2017. In the past this weather pattern has been associated with warmer and drier winter weather for California.

Given the current drought conditions and the prospects for a drier than normal weather pattern over the fall and winter of 2016-2017, it is premature to declare victory over the drought and weaken the existing conservation mandates that was ordered by the Commission for its jurisdictional Class A and B water utilities in May 2015 through Res. W-5041. Res. W-5041 ordered Class A and B water utilities to comply with Section 865 of the Drought Emergency Water Conservation Regulation requiring mandatory water reductions. The Water Board's Resolution 2016-0029 retains the mandatory reductions in Section 865 in addition to providing the self-certification supply reliability procedure in Section 864.5.

Given the continuing drought conditions throughout much of California and the negative outlook for the forthcoming rainy season, all Class A and B water utilities should maintain the existing conservation mandates ordered in Res. W-5041 as modified by Res. W-5082. However, if the self-certification of supply reliability procedures ordered by the Water Board in Resolution 2016-0029, and codified in Section 864.5 of the Drought Emergency Water Conservation Regulation, indicates a need for more restrictive conservation measures, then a utility should file a Tier 2 advice letter to modify its Tariff Schedule 14.1, Water Shortage Contingency Plan, accordingly.

Section 864 of the Drought Emergency Water Conservation Regulation prohibits waste and unreasonable use of water to promote water conservation, except where necessary to address immediate health and safety needs or to comply with a term or condition in a permit issued by a state or federal agency. EO B-37-16 makes the water use restrictions in Sections 864(a) permanent. Accordingly, we direct all water utilities, to enforce and comply with the water use restrictions identified in Section 864(a) of the Drought Emergency Water Conservation Regulation. All Class C and D<sup>1</sup> water utilities shall also comply with the reporting requirements included in Section 864 (g)2.

## **SAFETY**

The Commission is issuing this Resolution to conserve potable water by restricting its use for outside watering and irrigation and by limiting the use of potable water for inside use to ensure that California has sufficient water supplies, including safe and

<sup>&</sup>lt;sup>1</sup> As define in General Order 96-B Water Industry Rules Section 1.2 Class C and D investor owned water utilities serve 501 through 2,000 and less than 500 service connections, respectively.

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adequate drinking water, during this drought to provide for the safety and welfare of its citizens.

### **COMMENTS**

As provided by Rule 14.6 (a) of the Commission's Rules of Practice and Procedure and Public Utilities Code section 311 (g)(2), the 30-day public review and comment period has been reduced given the unforeseen emergency situation addressed by this Resolution. Comments are due Monday June 13, 2016.

## **FINDINGS AND CONCLUSIONS**

- On November 13, 2015 Governor Edmund Brown Jr. issued Executive Order (B-36-15) (EO) calling for an extension of urban water use restrictions until October 31, 2016, should drought conditions persist through January 2016.
- 2. The EO also ordered further reductions in potable water usage through February 2016. The EO directed the Commission and the State Water Resources Control Board (Water Board) to impose restrictions to achieve a statewide 25% reduction in potable water usage and to direct the suppliers and utilities to develop rate structures and other pricing mechanisms to achieve this 25% water conservation.
- 3. On February 2, 2016, the Water Board adopted Board Resolution No. 2016-0007 and a revised, extended Emergency Regulation to address specific provisions of EO B-36-15. The Emergency Regulation established adjustments to reduce the conservation standards of urban water suppliers in consideration of the differences in climate affecting different parts of the state, growth experienced by

- urban areas, and significant investments that have been made by some suppliers towards creating new, local, drought-resilient sources of potable water supply.
- 4. The California Public Utilities Commission adopted the provisions of Board Resolution No. 2016-0007 in Resolution W-5082 issued February 11, 2016.
- 5. On May 9, 2016, Governor Edmund Brown Jr. issued EO B-37-16 recognizing that drought conditions persist in many areas of the state and the need for increasing long-term water conservation among Californians.
- 6. On May 18, 2016 in response to EO B-37-16 the State Water Resources Control Board issued Resolution No. 2016-0029 that adopted revisions to Drought Emergency Water Conservation Regulations.
- 7. The May 24, 2016 drought monitor for California shows that 86.39% of the state is under moderate to exceptional drought conditions. This is a marginal improvement from one year ago when 98.71% of the state was under moderate to exceptional drought conditions.
- 8. Recent long-range meteorological forecasts show a 70% chance of a La Nina weather pattern (cooling tropical Pacific Ocean surface water temperatures) developing in the fall and winter of 2016-2017. In the past this weather pattern has been associated with warmer and drier winter weather for California.
- 9. The State Water Resources Control Board's Resolution 2016-0029 retains the mandatory water reductions in Section 865 in addition to providing the self-

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- certification supply reliability procedure in Section 864.5 of the Drought Emergency Water Conservation Regulation.
- Commission Resolution W-1041 ordered Class A and B water utilities to comply with the mandatory water reductions specified in Section 865 of the Drought Emergency Water Conservation Regulation.
- 11. Given the continuing drought conditions that persist throughout much of California and the prospects for below-average precipitation during 2016-2017, Class A and B water utilities should not weaken the mandatory water rationing mandated by the California Public Utilities Commission in Res. W-5041 issued May 7, 2015 as modified in Res. W-5082 issued February 11, 2016.
- 12. Class A and B water utilities that identify a conservation standard as required by Section 864.5 of the Drought Emergency Water Conservation Regulation that is more restrictive than the currently ordered measures adopted by Res. W-5041 should file a Tier 2 advice letter to modify the existing Tariff Schedule 14.1, Water Shortage Contingency Plan, accordingly.
- 13. The mandatory rationing ordered by Res. W-5041 continues to be necessary to preserve sufficient potable water to ensure safe drinking water for Californians.
- 14. All water utilities should enforce and comply with Sections 864(a) of the Drought Emergency Water Conservation Regulation.

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- 15. All Class C and D water utilities should comply with the reporting requirements included in Section 864 (g)2 of the Drought Emergency Water Conservation Regulation.
- 16. As provided by Rule 14.6(a) of the Commission's Rules of Practice and Procedure and Public Utilities Code section 311(g)(2), the 30-day public review and comment period has been waived given the unforeseen emergency situation being addressed by this Resolution.

### **THEREFORE, IT IS ORDERED THAT:**

- 1. All Class A and B water utilities shall continue to comply with the mandatory water rationing as ordered in Commission Resolution W-5041 as modified by Resolution W-5082 except in those circumstances provided in Ordering Paragraph No. 2 below.
- 2. If the self-certification of supply reliability procedures ordered by the Water Board in Resolution 2016-0029 and codified in Section 864.5 of the Drought Emergency Water Conservation Regulation for Class A and B utilities indicates a need for more restrictive conservation measures, then a utility shall file a Tier 2 advice letter to modify its Tariff Schedule 14.1, Water Shortage Contingency Plan, accordingly.
- 3. All water utilities should enforce and comply with Sections 864(a) of the Drought Emergency Water Conservation Regulation.

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4. All Class C and D water utilities should comply with the reporting requirements

included in Section 864 (g)2 of the Drought Emergency Water Conservation

Regulation.

5. All water utilities shall comply with the monitoring and reporting requirements

as established by the State Water Resources Control Board in Resolution 2016-

0029.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed, and adopted at a

conference of the Public Utilities Commission of the State of California held on June 23,

2016; the following Commissioners voting favorably thereon:

TIMOTHY J. SULLIVAN

**Executive Director** 

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#### **CERTIFICATE OF SERVICE**

I certify that I have by either electronic mail or postal mail, this day, served a true copy of Resolution No. W-5103 on all parties in these filings or their attorneys as shown on the attached lists.

Dated June 6, 2016 at San Francisco, California.

/s/ JENNIFER PEREZ
Jennifer Perez

Parties should notify the Division of Water and Audits, Fourth Floor, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the Resolution number on which your name appears.

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